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Freeborn & Peters

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December 27, 2002

Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

**Re: *Surface Transportation Board Docket No. AB-6 (Sub-No. 400X);
The Burlington Northern and Santa Fe Railway Company
Abandonment from Franklin, Nebraska to Red Cloud, Nebraska***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Michael A. Smith
Senior Counsel
Direct 312.360.6724
Fax 312.360.6598
msmith@
freebornpeters.com

Dear Ms. Rutson:

Enclosed are responses I received from the U.S. Department of the Interior Fish and Wildlife Service and the Register of Deeds Clerk of District Court Webster County to the notice that was mailed out to various agencies on December 5, 2002 in regards to the above-mentioned matter. I am forwarding these to your attention in the event that the agency did not respond to you directly.

Sincerely,

Michael Smith / NSK

Michael A. Smith

Chicago

Springfield

Enclosures

cc: Sarah Whitley Bailiff
John Sims



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

December 10, 2002

Mr. Michael A. Smith
Senior Counsel
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Dear Mr. Smith:

This responds to your December 5, 2002 letter requesting comments from the U.S. Fish and Wildlife Service (Service) on a proposal by the Burlington Northern and Santa Fe Railway Company to abandon 10.8 miles of railroad line between Milepost 216.95 near Franklin, Nebraska and Milepost 197.15 near Red Cloud, Nebraska. We concur with your conclusion that the proposed project is not likely to adversely affect federally listed threatened and endangered species. Reinitiation of consultation with the Service will be required under section 7 (a)(2) of the Endangered Species Act of 1973, as amended if the proposed action is changed in any way.

If you have any further questions, please contact Mr. Wally Jobman within our office at (308)382-6468, extension 16.

Sincerely,



Steve Anschutz
Nebraska Field Supervisor

cc: NGPC; Lincoln, NE (Attn: Julie Godberson)

BEFORE THE SURFACE TRANSPORTATION BOARD

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In the Matter of the Burlington
Northern and Santa Fe Railway
Company Notice of Exemption to
Abandon its rail line between
Franklin / Red Cloud, Nebraska

Docket No. AB-6
(Sub No. 400X)

RECEIPT

I, Lonnie Knehans, County Clerk of Webster County, Nebraska, do hereby acknowledge receipt from Freeborn & Peters, Attorneys for BN/SF, a Copy of the Environmental and Historical Report for the above captioned matter.

RESPONSE TO ENVIRONMENTAL REPORT

In response to Item 9ii, it is correct that I received the letter as reported in Exhibit J, that the County Commissioners reviewed this at their September 17th business meeting with the County's Floodplains manager, and that no response to BN/SF would be necessary.

In response to Item 3, Land Use, it should be noted that no letter was received by Chairman Ronald Gestring, I or County Board Members as shown in Exhibit C. The County Commissioners would have reviewed and acted on this since there is some local discussion for alternate use. And, this letter should have been submitted to the Webster County Planning Commission for proper disposition of the railroad right-of way.

RESPONSE TO HISTORICAL REPORT

In response to the Historical Report, it was observed that the County was not contacted in regards to this matter. Notice of this proposed abandonment should have been sent to the Webster County Historical Society at P.O. Box 464, Red Cloud, NE 68970, since one of the primary sources of out-of-county income is derived from historical tourism.

CONTACT

If you have questions or comments in regards to this matter, please contact me or Chairman Ronald Gestring at 621 N Cedar St., Red Cloud, NE 68970. I may also be available by telephone at 402-746-2716.

Respondent:

Lonnie Knehans
Lonnie Knehans
Webster County Clerk
Red Cloud, NE 68970

DATED: December 9th, 2002